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TO RUEHC/SECSTATE WASHDC IMMEDIATE 8458  
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 2222  
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY  
RUEHKO/AMEMBASSY TOKYO 1710  
RUEHWL/AMEMBASSY WELLINGTON 2456  
RHEFDIA/DIA WASHINGTON DC  
RHHJJPI/USPACOM HONOLULU HI  
RHMCSUU/FBI WASHINGTON DC  
RHEHNSC/NSC WASHDC  
RUEAIIA/CIA WASHDC  
RUEKJCS/SECDEF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000602

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DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR BOULDIN/BUHLER  
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR  
LEHMANN/ALEXANDRE/BERMAN  
DOJ/CTS FOR MULLANEY, ST HILAIRE  
FBI FOR ETTUI/SSA ROTH  
NCTC WASHDC  
NSC FOR EPHU

E.O. 12958: DECL: 03/26/2018  
TAGS: [PGOV](#) [KJUS](#) [PTER](#) [ID](#)  
SUBJECT: DEFENSE WITHDRAWS APPEAL FOR BALI BOMBERS

REF: JAKARTA 440 AND PREVIOUS

Classified By: Pol/C Joseph Legend Novak, reasons 1.4(b+d).

11. (C) SUMMARY: After another legal setback, the three terrorists on death row for carrying out the 2002 Bali bombings have withdrawn their request for judicial review. While the withdrawal ostensibly clears the way for the GOI to proceed with the execution of the three men, additional legal maneuvers by the three cannot be ruled out. It is possible, for example, that they may try to file a clemency petition, which would delay matters. There is no sign of any slackening of GOI political will to move forward toward executions. END SUMMARY.

LEGAL MOVES AT AN END?

12. (SBU) The Bali bombers may finally be facing execution. At a March 24 court hearing in Denpasar, Bali, lawyers for the three terrorists who carried out the 2002 Bali bombing withdrew their request for judicial review of their convictions. According to reports, Muslim Defense Team (TPM - a group that regularly defends extremists) lawyer Fachmi Bachmid withdrew the request after judges decided against allowing his clients to appear personally in court to challenge their convictions. (Note: The judges' ruling is in line with Indonesian law, which specifies that a judicial review hearing consider only evidence which was not available during the original trial. The three defendants all gave testimony at that time, and the TPM has not claimed that they have any new testimony to offer.) In a statement to the press, Bachmid suggested that judges ask the defendants directly whether they wish to proceed with the review. A court spokesman countered that there was no need to question the defendants on any matter since the judicial review request had been withdrawn.

A LONG ROAD

13. (U) The three convicted (and unrepentant) terrorists--Amrozi bin Nurhasyim, Imam Samudra and Ali Gufron

alias "Muklas"--were sentenced to death for carrying out the October 2002 attack that killed 202 people. Their sentences were upheld twice on appeal and a subsequent request for judicial review of the decision was rejected by the Supreme Court in 2007. The bombers are currently being held in a facility on Nusa Kambangan island off the coast of Central Java.

¶4. (SBU) TPM chief lawyer Ahmad Michdan filed the unusual second request for judicial review in January, arguing that the first request had not been carried out according to procedure (reftel). The Supreme Court originally stated that the law did not provide for a second judicial review, but then allowed the case to go forward anyway when the Attorney General's Office (AGO) made clear it would not carry out the executions without a formal ruling on the request.

NEXT STOP: TRYING FOR CLEMENCY?

¶5. (C) The TPM's strategy in recent months has clearly been aimed at buying time for their clients. The second review request forced the AGO to back off from its threat to execute the three men in February. With the request withdrawn, the AGO has indicated that it will give the three defendants and their families one final opportunity to request presidential clemency.

¶6. (C) While the convicted bombers have repeatedly stated they would not request clemency, a change of heart--or perhaps a request from family members--may be the only out they have left. If they refuse again, the AGO should be able to proceed with the executions. There is no sign of any slackening of GOI political will to move forward toward executions.

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